



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS**

Commission Meeting: July 8, 2004

Commissioners

Present

Deborah Wood Dorsey, Chairperson

Reverend Susan Blue
James E. Joiner
Bro. Donald Lippert
Michael E. Ward
Christine M. Warnke

Absent

Mario Acosta-Velez
Joe E. Leonard
Pierpont Mobley
Donald G. Murray
Darryl Ross
Warner H. Session

For the Commission

Cornelius R. Alexander, Jr., Chief Hearing Examiner

I. CALL TO ORDER

The July 8, 2004 Human Rights Commission meeting was called to order at 6:20 P.M.

II. ROLL CALL/ANNOUNCEMENT OF QUORUM

Because only six members were in attendance, a quorum was not achieved.

III. DIRECTOR'S REPORT

Due to an emergency meeting with the United States Department of Housing and Urban Development (HUD), Director Kenneth L. Saunders was not able to give the director's report. In his absence, Chief Hearing Examiner Cornelius R. Alexander, Jr. gave the report. He reported that the Office of Human Rights (OHR) and HUD have renegotiated the contract that allows OHR to administer the National Fair Housing Training Academy. Under the original contract, OHR was to receive 7% of the million-dollar budget. With the renegotiated contract, OHR will receive 15% of the budget.

In other matters, the Chief Hearing Examiner reported that the aged cases (cases more than 270 days old) have dropped to 223 cases. This reduction of cases has allowed OHR meet its score-card goal of reducing aged cases to 300 for Fiscal Year 2004. Mr. Alexander reported that the pending inventory is 397 cases, which is down from 700 cases of two-years ago. With regard to case settlements, Mr. Alexander reported that as of June 2004, \$1,006,935 has been achieved for complainants.

The Chief Hearing Examiner further reported that OHR submitted an application to the Equal Employment Opportunity Commission (EEOC) to participate in its mediation pilot program. If selected, OHR will receive \$800 per case for all cases that it mediates for the EEOC. With regard to the Language Access Act, all of the agencies that must comply with the legislation by the end of the fiscal year have submitted draft plans to OHR for approval.¹

IV. CHIEF HEARING EXAMINER'S REPORT

Chief Hearing Examiner Cornelius R. Alexander, Jr. reported that the parties in *Flaim v. Beta Reporting and Professional Staff Leasing* entered into a non-public settlement agreement. As a result, the Commission dismissed the complaint after the Complainant requested withdrawal. In other matters, the Chief Hearing Examiner reported that the Commission issued its proposed decision and order in *Bowman v. Safeway*, recommending that the complaint should be dismissed because the complainant failed to establish a *prima facie* case of race discrimination.

With regard to other cases, Mr. Alexander reported that the Commission's ruling in *Ford v. Intercon UPSP Services* denied the respondent's motion to stay the proceedings and compel arbitration. In this case, the respondent had an employment contract which required all of its employees arbitrate all claims (including discrimination claims) before filing a formal complaint with an agency or court. When Complainant filed a discrimination grievance with respondent, the claim was not arbitrated. As a result, the Commission found that the employer waived its right of mandatory arbitration. In *Young v. Amtrak*, the Commission denied both the Complainant's and Respondent's motions for summary judgment. In each of the rulings, the Commission found that there were material facts in dispute and therefore a hearing was necessary to resolve those factual issues. In *Saxon v. River Park Mutual Homes*, the Commission ordered a limited hearing to take additional testimony in order to determine when Ms. Saxon knew when she may have been discriminated against.

¹ The agencies are the Department of Health, the Department of Human Services, the Department of Employment Services, the Metropolitan Police Department, the District of Columbia Public Schools, the Office of Planning, the Fire and Emergency Medical Services Department and the Office of Human Rights.

With regard to the public sector cases that Commission hearing examiners are handling for OHR, Mr. Alexander reported that the hearing examiner ruled on a motion in *Coleman v. D.C. Department of Human Services* asking that the OHR extend time to file a response to its earlier ruling precluding certain evidence. In *Bryant v. D.C. Department of Corrections*, the hearing examiner held a pre-hearing conference to discuss the upcoming limited hearing on damages. In *Maddox v. D.C. Public Schools*, OHR held a limited hearing to determine whether the Complainant could establish her race and sex discrimination claims. Finally, the OHR scheduled a hearing in *Bagenstose v. D.C. Public Schools* on July 14, 2004.

V. CHAIRPERSON'S REPORT

Chairperson Deborah Wood Dorsey reported that in the last few weeks she attended an EEOC conference in Miami as well as HUD's National Training Conference in Washington. The Chairperson stated that EEOC conference focused on legal updates and new developments or trends in employment discrimination law. With regard to the HUD conference, the Chairperson reported that that conference focused on housing discrimination trends. The conference had a special training session for attorneys of various government and private housing agencies. The best seminar dealt with computing damages for fair housing cases.

With regard to community outreach, the Chairperson gave Vice-Chairperson Acosta-Velez's report regarding the Commission's sponsored booth at the Capital Pride Festival. The booth was staffed with Hearing Examiners Neil Alexander and Joan Davenport as well as Commissioners Acosta-Velez, Blue, Ross and Ward. At the booth, the Commission distributed information concerning the filing of discrimination cases as well as providing voter registration. It was clear in speaking with some of the festival celebrants that they did not have an understanding of the Human Rights Act or its protected classes. As a result, the Chairperson recommended that the Commission establish a broader outreach program. Accordingly, the Chairperson surveyed local community newspapers to compare advertising rates for placing public service ads. Commissioner Warnke suggested that the ads should have a positive message. As an example, the lead copy could state "Respect ourselves before we respect....." or as Commissioner Blue suggested "D.C. Cares". Commissioner Ward suggested that the ads should be more instructive because most people do not know about the protected classes of the Human Rights Act. The Chief Hearing Examiner agreed that the ads should be more instructive and geared to various segments of the community. For instance, the Chief Hearing Examiner suggested that an ad should read, "Do you think you lost your job because of your sexual orientation? If so, come visit the OHR."

After additional discussion, it was suggested that the Commission draft samples of a public service ads for approval at the September meeting.

VI. OLD BUSINESS

As a follow-up to the last meeting's discussion regarding incarceration and discrimination of ex-offenders, Commissioner Warnke separately spoke with Representatives John Conyers and Eleanor Holmes Norton about the issue and who stated that this was a major issue with their constituents. Commissioner Warnke suggested to Representative Norton's chief of staff about sponsoring a symposium and co-host it with the House Judiciary Committee. Chairperson Dorsey suggested that Commissioner Warnke outline the proposal and include how the Commission could sponsor or take part in the symposium.

VII. NEW BUSINESS

No new business reported.

VIII. ANNOUNCEMENTS

The Chief Hearing Examiner announced that OHR's website contains a new agency calendar which details all events that OHR is sponsoring. The web site is www.ohr.dc.gov.

Mr. Alexander also reported that Councilmember Jim Graham held a roundtable discussion on proposed legislation to include the protection of genetic information in employment as the 17th protected class under the Human Rights Act. In attendance were Director Saunders and members of the insurance industry. At the roundtable, Councilmember Graham was concerned that the proposed legislation did not include protection from discrimination in public accommodation.

IX. ADJOURNMENT

The meeting adjourned at 7:10 P.M.

Respectfully submitted,

Christine Warnke
Secretary